



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

FEBRUARY 12, 2018

9:30

Calendar No. 18-04:

4427 Rocky River Drive

Ward 17

Martin J. Keane

43 Notices

St. Patrick R.C. Church, owner, and John T. Foundation, tenant, propose to establish use as drug/alcohol residential rehabilitation facility for 40 residents and 4 staff, with residential, counseling and life-skill programs in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(f)(3)(D) of the Cleveland Codified Ordinances which states that a rehabilitation facility is permitted in a One family Districts if not for drug or liquor residents.(Filed January 8, 2018)

9:30

Calendar No. 18-10:

1852-56 E. 101 St.

Ward 7

Basheer S. Jones

11 Notices

Cleveland Construction Inc., proposes to establish use as temporary storage of a construction trailer and parking on a vacant parcel owned by the City of Cleveland located in an E2 Multi-Family Residential District. The applicant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that in Multi-Family District storage of a construction trailer is not a permitted use.
 2. Section 329.06 which states that The board of Zoning Appeals may, after public notice and hearing and subject to appropriate conditions and safeguards, permit in undeveloped sections of the city for not more than a two (2) year period a building or other structure or use which does not conform to the use regulation of the district in which it is to be located. Such permit may be renewed for two (2) year period when the general conditions of the neighborhood have remained practically unchanged.
 3. Section 327.02(e) which states that this application is for PPN 119-12-058 a plot plan drawn to scale shall be submitted with each application.
 4. Section 349.07 which states that the parking lot must be paved and drained within lot.
 5. Section 349.13 which states that parking in a residential district requires BZA approval.
- (Received January 9, 2018)

9:30

Calendar No. 18-011:

**4093 E. 66 St./ Waste
Collection Appeal**

Ward 12

Anthony Brancatelli

Maria Chelbezan, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of

the hearing examiner in Parking Violations Bureau on December 29, 2017 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC00373563 issued November 16, 2017 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed January 9, 2018)

9:30

Calendar No. 18-12:

2011 Broadview Road

Ward 13

Kevin J. Kelley

25 Notices

Ashok Kumar, owner, proposes to change use from bar to retail stores (front building and garage) in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that parking for retail stores is required at the rate of one space per each 500 square feet and no striped parking spaces shown.
2. Section 349.07(a) which states that the parking area must be paved, and graded for drainage of all water within the lot. No surfacing or drainage details are shown.
3. Sections 352.08 through 352.12 which state that six foot wide landscaping strip is required where lot abuts residential district. No landscaping plan submitted.
4. Section 352.07(b)(2)(A) which states that a continuation of a non-conformity in landscaping upon a change of use requires the approval of the Board of Zoning Appeals.
5. Section 327.02(e) which states that a site plan showing all features of the property, including parking spaces, landscaping, paved and unpaved areas, and driveways is required. (Filed January 9, 2018)

9:30

Calendar No. 18-14:

8700 Denison Avenue

Ward 14

Jasmin Santana

29 Notices

Mihai Dobre, owner, proposes to erect a storage building on a vacant lot and use property as storage on a parcel of land that is located in a B1 Two-Family Residential and a C2 Local Retail Business. The owner appeals for relief from the strict application of Sections 337.03 and 343.01 of the Cleveland Codified Ordinances which state that storage is not permitted as a main use of property in Residential or Local Retail Business zoning district but is first permitted in Semi-Industry District. (January 16, 2018)

9:30

Calendar No. 18-33:

5805-5813 Hough Avenue

Ward 7

Basheer Jones

8 Notices

Sterling Pettway, owner, proposes to establish use as a fence contracting company with outdoor storage and to install an 8 foot tall chain link fence D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that warehouse and outdoor storage use is first permitted in Semi Industrial District. Any material stored in unenclosed premises to a height

greater than 4 feet above the grade level shall be a surrounded by a substantial 7 foot high wall or fence erected to observe all required building lines and chain link fence proposed.

2. Section 349.01 which states that a parking area in amount of 15% of the gross lot area is required and no off street parking proposed.
3. Section 349.07 which states that all vehicle maneuvering areas shall be paved and drained within the lot. Only one driveway shall be permitted for each 100 feet of frontage. No driveway shall be so located that there would be less than 15 feet between the point of tangency of the driveway apron radius and the outside crosswalk the proposed new driveway is directly adjacent to the crosswalk.
4. Sections 352.08 through 352.11 which state that eight feet of landscaped transition strip is required where a Semi-Industry District would abut a Multi-Family District. Installation is required of screening with 75% or greater opacity of sufficient height to conceal uses specified herein (outdoor storage) from view from the ground floor level on adjoining properties and from the street and no landscaping proposed.
5. Section 358.04 which states that in residential districts, fences in actual front yards and in actual front yards and in actual side street yards shall not exceed 4 feet in height. Fences in actual rear yard and actual interior side yard shall not exceed 6 feet in height.
6. Section 358.04(b) which states that in residential districts, only ornamental fences shall be installed in actual front yards. (Filed January 26, 2018)

POSTPONED FROM JANUARY 2, 2018

9:30

Calendar No. 17-358:

5809 Hough Avenue

Ward 7

Basheer Jones

8 Notices

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height
2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (filed December 4, 2017-Testimony Taken)

9:30

Calendar No. 17-359:

5813 Hough Avenue

Ward 7

Basheer Jones

8 Notices

Sterling Pettway, owner, proposes to install an (8) eight feet tall chain link fence in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of Section of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(a) which states that fences in actual front yard and in actual side street yards shall not exceed four (4) feet in height

2. Section 358.04(b) which states that in Residential Districts, only ornamental fences, as defined herein, shall be installed in actual front yards and in actual side street yards if located within four (4) feet of the side street property line. The Board of Zoning Appeals may however permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property. (filed December 4, 2017-Testimony Take) *POSTPONED AT THE REQUEST OF THE BOARD TO ALLOW TIME FOR THE APPELLANT TO MEET WITH THE CITY PLANNER ABOUT THE PROPOSED STORAGE USE.*

POSTPONED FROM JANUARY 8, 2018

9:30

Calendar No. 17-361:

5804 Denison Ave.

Ward 14

Jasmine Santana

19 Notices

Fulton Denison LLC., owner, proposes to construct a parking lot in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(4) which states that a Parking lot in a Local District shall meet section 349.13(c) requirements and requires BZA approval.
2. Section 349.13(c) states that the Board of Zoning Appeals may permit, temporarily or permanently, the use of land in Local Retail Business District for a parking lot when the best interests of the community will be serviced, and provided that:
 - The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance,
 - No charge is to be made for parking on the lot.
 - The lot is not to be used for sales, repair work or servicing of any kind.
 - Entrance to and exit from the lot are to be located so as to do the least harm to the residence district.
 - No advertising sign or material is to be located on the lot.
 - All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.
 - The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, slightly fence or wall not less than four feet six inches high and not more than five feet high located back of the setback building line. All lightening is to be arranged so that there will be no glare than is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained; 4' high coated chain link fence is proposed within front setback and at back of setback.
 - The building permit number under which the lot is established is to be posted;
 - Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

3. Section 349.07 which states that all accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking spaces.
4. Sections 352.09 through 352.11 which state that an 8 foot wide transition strip is required where parking lot is adjacent to residential and a 1 foot wide transition strip is proposed.
5. Section 349.07 which states that parking space and maneuvering areas shall be hard surfaced and properly drained. (Filed December 4, 2017- No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION TO ALLOW TIME FOR THE COMMUNITY PROCESS TO TAKE PLACE.*